

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS
FORTH WORTH DIVISION**

	§ No.
ADAM JOSE VALDEZ,	§
	§
Plaintiff,	§
	§
v.	§
	§
PENTAGROUP FINANCIAL, LLC,	§
	§
Defendant.	§
	§

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

ADAM JOSE VALDEZ (“Plaintiff”), through his attorneys, KROHN & MOSS, LTD., alleges the following against PENTAGROUP FINANCIAL, LLC (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Arlington, Tarrant County, Texas.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company with its main office located in Houston, Texas.

FACTUAL ALLEGATIONS

10. Upon information and belief, Defendant is attempting to collect from Plaintiff an alleged debt owed to Toyota in the amount of approximately \$3,200.
11. Defendant places collection calls to Plaintiff from 832-615-2216 and 800-822-8608.
12. Defendant places collection calls to Plaintiff requesting that Plaintiff return the call to 800-545-0830.
13. On May 12, 2010, Defendant placed a collection call to Plaintiff at 7:15 a.m.
14. Defendant placed collection calls to Plaintiff and left a message on Plaintiff's answering machine that did not identify who was calling. *See* Transcribed Voicemail as Exhibit "A" attached hereto.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(1) of the FDCPA contacting Plaintiff at a time and place known to be inconvenient.
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse Plaintiff in connection with the collection of a debt.
- c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of Defendant's identity.
- d. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading representation or means in connection with the collection of the alleged debt.
- e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in the initial communication with the Plaintiff that Defendant was attempting to collect a debt and that any information obtained would be used for that purpose, and that the failure to disclose in subsequent communications that the communication is from a debt collector.

WHEREFORE, Plaintiff, ADAM JOSE VALDEZ, respectfully requests judgment be entered against Defendant, PENTAGROUP FINANCIAL, LLC, for the following:

16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C.*

1692k,

17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*

18. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: June, 21, 2010

By:/s/Peter Cozmyk

Peter Cozmyk Esq.
Attorney for Plaintiff
Krohn & Moss, Ltd.
3 Summit Park Drive
Suite 140
Independence, OH 44131
pcozmyk@consumerlawcenter.com
Phone: (323) 988-2400 x 213
Fax: (866) 799-3206

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ADAM JOSE VALDEZ, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

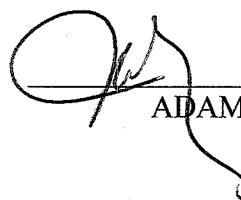
Plaintiff, ADAM JOSE VALDEZ, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ADAM JOSE VALDEZ, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

6-11-10

Date



ADAM JOSE VALDEZ